


PATENT

I hereby certify that on the date specified below, this correspondence, addressed to Box RCE, Commissioner of Patents, Washington, DC 20231, is being transmitted via facsimile to Ms. Francis Hicks, Office of Petitions, at fax number (703) 308-6916.

January 22, 2003   
Date Ayesha S. Wilks



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Vishnu K. Agarwal	Attorney Docket No.:	: 501082.06 (98-0616.05)
Serial No.	: 09/652,842	Group Art Unit	: 2825
Filed	: August 31, 2000	Examiner	: Behur V. Keshavan
Allowed	: September 10, 2002	Issue Fee Paid	: December 10, 2002
		Confirmation No.	: 4065
Title	: DEVICE AND METHOD FOR PROTECTING AGAINST OXIDATION OF A CONDUCTIVE LAYER IN SAID DEVICE		

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

PETITION FOR WITHDRAWAL FROM ISSUE IN FAVOR OF CONTINUED EXAMINATION TO PERMIT CONSIDERATION OF A SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97

Sir:

In accordance with 37 C.F.R. § 1.313(c)(2), Applicant hereby petitions the Office that the above-identified application be withdrawn from issue for the purpose of continued examination to permit consideration of a Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97. A Request for Continued Examination is filed herewith. This application was allowed on September 10, 2002, and the issue fee was paid December 10, 2002.

Applicant requests that the Office grant this Petition and consider the Request for Continued Examination under 37 C.F.R. § 1.114 and the Supplemental Information Disclosure Statement filed concurrent with this petition.

The Commissioner is hereby authorized to charge the fee of \$880, of which \$130 is the petition fee and \$750 is the fee for filing the Request for Continued Examination, to Deposit Account N . 50-1266. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-1266. A copy of this Petition is enclosed.

Respectfully submitted,

DORSEY & WHITNEY LLP

Paul F. Rusyn  
Registration No. 42,118

PFR:asw

**Enclosures:**

Fax Cover Sheet  
Fee Transmittal Sheet (+ copy)  
Request for Continued Examination (+ copy)  
Copy of this Petition  
Supplemental Information Disclosure Statement  
Form PTO-1449

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Washington, D.C. 20231

Paper No. \_\_\_\_\_



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BOISE, ID 83716-9632

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JAN 27 2003

OFFICE OF PETITIONS

In re Application of  
Vishnu K. Agarwal  
Application No. 09/652,842  
Filed: August 31, 2000  
Attorney Docket No. 98-0616.05

ON PETITION

This is a decision on the petition, filed by facsimile transmission on January 22, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).


There is no indication that petitioner herein, Mr. Paul F. Rusyn, was ever given a power of attorney in this application. However, in accordance with 37 CFR 1.34(a), the signature of Paul F. Rusyn appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. Since there is no indication that Mr. Rusyn is an attorney of record, the change of correspondence address filed concurrently with the instant petition cannot be entered at this time. Upon receipt of the file in the Office of Petitions, it will be determined at that time whether or not Mr. Rusyn was ever given a power of attorney to prosecute the instant application. If so, the change of address will be entered. If, however, Mr. Rusyn was never given a power of attorney in the instant application, the appropriate power of attorney documentation should be submitted if Mr. Rusyn desires to receive future correspondence regarding this file. In the meantime, a courtesy copy of this decision is being mailed to Mr. Rusyn, the petitioner herein. If in fact it is found that no power of attorney is present in the application to Mr. Rusyn, all future

correspondence in this file will be directed solely to the above-noted address of record.

Petitioner is advised that the issue fee paid on December 17, 2002 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

Upon receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc:

Paul F. Rusyn  
Dorsey & Whitney LLP  
1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101

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<sup>1</sup> The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.